



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING September 18, 2013

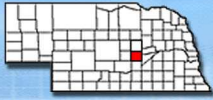
A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18<sup>th</sup> of September, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 6 members present: Jeff Christensen, Ken Kozisek, Dave Sack, Terry Spilinek, Jack Reimers, and Lauren Scarborough. Those absent were: Daryl Anderson, Randy Kauk, and Ron Kulwicki. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klingensmith, Zoning Secretary. The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and 2<sup>nd</sup> by Dave sack to approve the minutes. Motion approved by unanimous voice vote.

Old business: None.

At 8:05 P.M. **the discussion with Jeff Mueller** regarding non-farming residences in NE ¼ of Section 23-13-9 was opened, with Jeff Mueller and his father-in-law Milt Stoppkotte present. Franz Trumler explained that Jeff came to our office to apply for a zoning permit to build a residence on the pivot corner, approximately 7 acres; however there is currently already one non-farming residence in the quarter. Jeff has a different situation, so we asked that he come to the zoning board to explain and help us interpret the regulations. Jeff introduced his father-in-law and stated his wife has been getting payments off the farming operation from Milt, for compensation off the farm income they receive. His wife will more than likely be inheriting the farm land and once she does we do intend on farming the ground. However, since it has not happened yet, Franz suggested I come to you and see if this would qualify as a farming operation. Milt Stoppkotte expressed that currently we have a trust that states the children would inherit the land that we have and we designated that specific piece of land to her and she will have the first opportunity to purchase the ground. Board members asked if the acreage would be sold and put into Jeff & Theresa's name. Milt stated yes, I don't know how to legally give this land to her, I want to help them out in building their house there, and my intentions are for them to have this land. Franz stated "the reason I had you talk to the board is I thought there might be something there I was missing, but we cannot change the regulations. You have the option of meeting with the Variance Board." The board members discussed with them that they want them to build there due to someday this land will be theirs and then it would qualify, but as it is now it doesn't and we cannot change the regulations. Milt Stoppkotte asked if there is no mortgage, can he build. Franz explained if there is no loan on it and don't need to subdivide due to mortgage reasons, you can build there, as it is part of the farming operation if it is not subdivided. The Zoning board suggested 3 options: 1) Build on land as it is now, if you could do it without a mortgage. 2) Buy 20+ acres to build on. 3) Apply to the Variance Board. Jeff M. asked the zoning board what he would need to bring to a variance board meeting. The board members suggested; proof that Jeff's wife is getting



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paid, prove that she is getting compensated more than other siblings due to her helping more and providing a list of what she does for the farming operation. Franz stated it is an unusual circumstance, that doesn't come up very often. Once variance application received we will set up a time for the Variance Board to meet.

Next on the agenda was the discussion with the board advising them of the County Commissioners decision on Administrative Conditional use permits and the consequences of not following the zoning regulations and timelines.

Also discussed was the issue of adding wording into our regulations for CAFO Waste Setbacks. Franz stated it is listed in A1 & A2 zoned land, but not in A3; and in our definitions, and the intent was for it to be in all zoned land, so this would be just a correctional change, not a change to our regulations.

At 8:50 P.M. a motion was made by Jeff Christensen and 2<sup>nd</sup> by Jack Reimers to adjourn. The motion carried by unanimous voice vote. The next meeting, is tentatively scheduled for October 16, 2013 at 8:00p.m.

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Cherri Klinginsmith, Acting Secretary